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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 INSURANCE COMPANY OF THE  
9 WEST,

10 Plaintiff,

11 v.

12 CAICOS CORPORATION, et al.,

13 Defendants.

CASE NO. C12-5020BHS

MINUTE ORDER

14 NOW, on this 8th day of May, 2012, the Court directs the Clerk to enter the  
15 following Minute Order:

16 On March 7, 2012, the clerk entered default against Defendant Ann Therese Berry  
17 (“Mrs. Berry”) for failing to timely file an answer to the complaint. Dkt. 17. On March  
18 19, 2012, the Court denied Defendant David S. Berry’s (“Berry”) motion for  
19 reconsideration regarding the entry of default against Mrs. Berry, but informed the parties  
20 that Mrs. Berry could bring a motion to challenge the entry of default. Dkt. 19. On April  
21 2, 2012, Mrs. Berry filed a motion for relief from order of default stating that she did not  
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1 know Berry could not represent her in court and requesting an opportunity to file an  
2 answer on her own behalf. Dkt. 22. Plaintiff Insurance Company of the West (“ICW”)  
3 has failed to respond to the motion. Under Local Rule 7(b)(2), “[i]f a party fails to file  
4 papers in opposition to a motion, such failure may be considered by the court as an  
5 admission that the motion has merit.” Accordingly, the Court concludes that the default  
6 entered against Mrs. Berry is set aside and she may file an answer to the complaint and a  
7 response to ICW’s motion for summary judgment (Dkt. 15).

8 Accordingly, Mrs. Berry must file an answer to the complaint on or before **May**  
9 **21, 2012**, and if she wishes to file a response, or join in Berry’s response, to ICW’s  
10 motion for summary judgment, she must do so on or before **May 21, 2012**. ICW’s  
11 motion for summary judgment (Dkt. 15) is **RENOTED to May 21, 2012**.

12 The foregoing Minute Order was authorized by the Honorable BENJAMIN H.  
13 SETTLE, United States District Judge.

14 /s/ Trish Graham  
15 Trish Graham  
16 Judicial Assistant  
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